

REMARKS

Reconsideration and allowance of the subject application in view of the following remarks is respectfully requested.

Claims 1-3 stand rejected under 35 U.S.C. §103(a) over *Goldfinger* (US 7,349,700) in view of *Turunen* (US 7,289,792). In addition, claims 4-6 stand rejected under 35 U.S.C. §103(a) over *Goldfinger* in view of *Turunen* and further in view of *Marriott et al.* (US 7,277,951). The rejection of claims 1-6 is respectfully traversed. Claims 1-6 are believed to be patentable over the applied references for the reasons discussed below.

Claim 1 recites a method of transmitting a multimedia message in a system having at least two Multimedia Messaging Service (MMS) servers having different versions according to the media types of multimedia messages they service. Both servers have access to a common storage unit containing an MMS message to be sent to a receiving terminal. A notice message is sent to the receiving terminal, the notice including an address of the MMS information stored in the common storage unit along with an address of either the first or second MMS servers, depending upon which server can support the format of the MMS message.

Applicants respectfully submit that claims 1-6 are patentable over the applied art for the failure of the applied art to not only disclose, teach or suggest all of Applicants' recited claim features, but in addition fails to present any apparent reason to combine references or modify prior art to create the Applicants' allegedly obvious claim elements.

Goldfinger appears to only disclose a method for communicating between an operator at an operator device and a user recipient (see Abstract). The Office Action suggests column 10, line 10 - column 11, line 7, as being relevant to claim 1. Applicants submit, however, that the cited passage appears to only disclose a single SMS server acting as an intermediary server that negotiates and maps a SMS message 515 to a gateway device, the gateway device ultimately delivering the SMS message to a computing device (see column 10, lines 23-26).

Indeed, Applicants specifically distinguishes their method that when faced with a formatting issue, finds an alternate server that can process the required format instead of executing a format conversion method, such as the method disclosed by *Goldfinger* at column 10, line 64 – column 11, line 7.

Although *Turunen* relates to transmitting multimedia messages to a wireless terminal, *Turunen* fails to remedy the deficiencies of *Goldfinger*. More specifically, at column 8, lines 18-57, *Turunen* appears to only disclose a single MMS server and does not address the problem of different MMS versions between the server and the recipient.

Based upon the above disclosure, Applicants respectfully submit that the asserted combination of references present no apparent reason to combine references or modify prior art to create the Applicants' allegedly obvious claim elements. Therefore, Applicants respectfully submit that the asserted combination of references fails to disclose a method of transmitting a multimedia message, as recited in independent claim 1. Claims 2-3 depend from independent claim 1 and are likewise patentable over the asserted combination of references for at least their dependence on an allowable base claim, as well as for the additional features they recite.

Accordingly, withdrawal of the rejection of claims 1-3 over *Goldfinger* and *Turunen* is respectfully requested.

Claims 4-6 depend from claim 1 that, as discussed above, is patentable over *Goldfinger* and *Turunen*. Applicants respectfully submit that Marriott appears to only disclose, a message system that reformats and translates all message contents, if necessary, to a form compatible with the recipient, (see column 3, lines 5-6). Applicants submit therefore that Marriott fails to remedy the deficiencies of *Goldfinger* and *Turunen*, and therefore, claims 4-6 are likewise patentable over the asserted combination of references at least in view of their dependence on claim 1. Withdrawal of the rejection of claims 4-6 is respectfully requested.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the present application should be in condition for allowance and a Notice to that effect is earnestly solicited.

The Examiner is invited to telephone the undersigned attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

LOWE HAUPTMAN HAM & BERNER, LLP

/Yoon S Ham/
Yoon S. Ham
Registration No. 45,307

Customer Number: 22429
1700 Diagonal Road, Suite 300
Alexandria, Virginia 22314
(703) 684-1111
(703) 518-5499 Facsimile
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YSH/ERM/jr